



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,678	12/13/2000	Koichi Nagaki	041465-5093	4677

9629 7590 06/11/2003

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

EXAMINER

TRAN, DALENA

ART UNIT	PAPER NUMBER
----------	--------------

3661

DATE MAILED: 06/11/2003

#11

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT	PAPER
----------	-------

12 11

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

This communication is sent out for restarting period for response because the expire date in PTO 326 has been left blank.

Office Action Summary

Application No.

09/734,678

Applicant(s)

NAGAKI, KOICHI

Examiner

Dalena Tran

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17 is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-16 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant(s)

1. This office action is responsive to the amendment filed on 3/5/03. Claims 1-17 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-2, are rejected under 35 U.S.C.102(e) as being anticipated by Nimura et al. (5,884,218).

As per claim 1, Nimura et al. disclose a navigation system comprising: a present position detecting device for detecting a present position (see column 6, lines 13-33; columns 7-8, lines 40-44; and column 10, lines 12-42), a plurality of memory devices each capable of reading out map data which is recorded therein (see columns 6-7, lines 61-39), a navigation controlling device for controlling a navigation operation in correspondence with the detected present position by using the map data (see column 2, lines 35-55), and a map data reading device for accessing one of the memory devices, which is selected in accordance with a predetermined condition, and reading out the map data required for the navigation operation therefrom (see columns 5-7, lines 29-39; columns 8-9, lines 25-33; columns 11-14, lines 66-17; columns 20-21, lines 42-26; columns 40-42, lines 33-6).

Art Unit: 3661

As per claim 2, Nimura et al. disclose map data reading device selects the memory device to be accessed, which is indicated by a priority flag set in advance (see columns 14-15, lines 19-50; columns 27-28, lines 37-18; and columns 31-32, lines 10-23).

4. Claims 9-10, and 13-14, are rejected under 35 U.S.C.102(e) as being anticipated by Okude et al. (6,175,802).

As per claim 9, Okude et al. disclose a navigation system comprising: a present position detecting device for detecting a present position, and a navigation controlling device for controlling a navigation operation in correspondence with the detected present position by using the map data (see column 4, lines 24-67), a first memory device capable of reading out map data, a second memory device capable of reading and writing the map data thereinto, and a map data transferring device for controlling first memory device to read out the map data from record medium at a predetermined timing, and then transferring and storing the read out map data to second memory device (see columns 4-7, lines 24-8), and a map data reading device for selecting one of first and second memory device in accordance with a predetermined condition, accessing the selected one of first and second memory device and reading out the map data required for the navigation operation therefrom (see columns 7-8, lines 9-17).

As per claim 10, Okude et al. disclose a management information storage device for extracting management information of the map data in first memory device and management information of the map data in second memory device, and holding the extracted management information respectively (see columns 13-15, lines 52-27), map data transferring device selects the map data to be transferred in accordance with the management information (see columns 5-7,

Art Unit: 3661

lines 26-8), and map data reading device selects one of first and second memory devices in accordance with the management information (see columns 7-8, lines 9-17).

As per claims 13-14, Okude et al. disclose map data transferring device transfers the map data when record medium is set to first memory devices, second memory devices is capable of writing and reading the map data at an access speed faster than first memory devices (see column 5, lines 26-45).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-5, are rejected under 35 U.S.C.103(a) as being unpatentable over Nimura et al. (5,884,218) in view of Okude et al. (6,175,802).

As per claim 4, Nimura et al. do not disclose management information of the map stored in the memory device. However, Okude et al. disclose map data reading device selects the memory to be accessed, in accordance with management information of the map stored in the memory device (see column 13, lines 1-52). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Nimura et al. by combining map data reading device selects the memory to be accessed, in accordance with management information of the map stored in the memory device for selecting map information according to a current location of a vehicle and satisfy the requirement of the users.

Also, as per claim 5, Okude et al. disclose management information storage device for extracting the management information from the memory device and holding the extracted management information respectively (see columns 13-15, lines 53-27).

7. Claim 6, is rejected under 35 U.S.C.103(a) as being unpatentable over Nimura et al. (5,884,218), and Okude et al. (6,175,802) as applied to claim 5 above, and further in view of Aoki et al. (6,304,212).

As per claim 6, Nimura et al., and Okude et al. do not disclose name of the map data. However, Aoki et al. disclose management information storage device holds name information indicative of a name of the map data (see columns 1-2, lines 57-24), and map data reading device selects the memory device to be accessed, in which a presence of the map data is confirmed in accordance with the name information (see columns 3-5, lines 7-43). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Nimura et al., and Okude et al. by combining management information storage device holds name information indicative of a name of the map data, and map data reading device selects the memory device to be accessed, in which a presence of the map data is confirmed in accordance with the name information to provide an accurate map for the user selections.

8. Claims 3 and 7, are rejected under 35 U.S.C.103(a) as being unpatentable over Nimura et al. (5,884,218) in view of Hirono (6,246,958).

As per claim 3, Nimura et al. do not disclose the latest updated map data. However, Hirono discloses map data reading device selects the memory device to be accessed, which is capable of reading out the map data updated at the latest (see columns 1-2, lines 65-28; column 5, lines 25-35; and column 7, lines 35-67). It would have been obvious to one of ordinary skill in

Art Unit: 3661

the art at the time the invention was made to modify the teach of Nimura et al. by combining reading out the map data updated at the latest to provide the user most recent map data according to the present navigation route that a user drive through to avoid confusion when the old map does not match a street that is current change.

As per claim 7, Nimura et al. do not disclose management information storage device holds date and time information. However, Hirono discloses management information storage device holds date and time information indicative of date and time when the map data is updated (see the abstract; and columns 2-3, lines 29-2), and map data reading device selects the memory device to be accessed, which is capable of reading out the map data corresponding to the date and time information indicative of latest date and time (see column 3, lines 3-59). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Nimura et al. by combining management information storage device holds date and time information indicative of date and time when the map data is updated, and map data reading device selects the memory device to be accessed, which is capable of reading out the map data corresponding to the date and time information indicative of latest date and time for keep track of the date data retained in a database and the dates at which map data of various areas were registered therein are compared with date data corresponding to the map data retained in an apparatus utilized by the user and for comparison, the map data and the date data in the apparatus utilized by the user are each updated automatically.

9. Claims 12 and 15-16, are rejected under 35 U.S.C.103(a) as being unpatentable over Okude et al. (6,175,802) in view of Hirono (6,246,958).

As per claim 12, Okude et al. do not disclose management information storage device holds date and time information and compare the date and time information of the map data older to be transferred. However, Hirono discloses management information storage device holds date and time information indicative of date and time when the map data is updated and map data transferring device compares the date and time information of the map data in first memory device with second memory device, and selects the map data, whose date and time in second memory device is older than that in first memory device, as the map data to be transferred (see columns 6-7, lines 7-35; and column 9, lines 15-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Okude et al. by combining discloses management information storage device holds date and time information indicative of date and time when the map data is updated and map data transferring device compares the date and time information of the map data in first memory device with second memory device, and selects the map data, whose date and time in second memory device is older than that in first memory device, as the map data to be transferred to provide the car navigation system with more recent map data.

Also as per claim 15, Hirono discloses second memory device comprises a hard disc device (see column 4, lines 43-67).

As per claim 16, Okude et al. do not disclose block map data. However, Hirono discloses a plurality of block map data, which are obtained by dividing a whole map for each unit block, are recorded in record medium (see columns 7-8, lines 35-25), map data transferring device transfers the block map data, and map data reading device reads the block map data (see columns 8-9, lines 25-14). It would have been obvious to one of ordinary skill in the art at the time the

Art Unit: 3661

invention was made to modify the teach of Okude et al. by combining a plurality of block map data, which are obtained by dividing a whole map for each unit block, are recorded in record medium, map data transferring device transfers the block map data, and map data reading device reads the block map data for conveniently in updating, stored, and retrieve map in database as to select the map data of the area required by the user out of a huge map database covering the whole of the country.

10. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 17 is allowable.

Remarks

11. Applicant's argument filed on 3/5/03 have been fully considered but they are not deemed to be persuasive.

12. Applicant's general argument, in page 2-3 of the amendment that Nimura reference does not teach "a plurality of memory device each capable of reading out map data which is recorded therein and a map data reading device for accessing one of the memory device, which is selected in accordance with a predetermined condition". However, Nimura does disclose in column 7, lines 7-9, ROM5 for guiding the routes and indicate the maps; also, picture memory 10 store map picture (column 7, lines 17-39); also, program stored in storage unit 37 are map data, program are read and written to flash memory 3 (columns 8-9, lines 25-33), therefore map data are read and written to flash memory 3. Therefore, Nimura does disclose a plurality of memory device each capable of reading out map data which is recorded therein and a map data reading device

Art Unit: 3661

for accessing one of the memory device, which is selected in accordance with a predetermined condition.

Also, in page 5 of the amendment, applicant's argue that Okude does not provide first and second memory devices as in claim 9. However, Okude does disclose plurality of memory devices in column 4, lines 53-57, this memory can read and write; also, in column 5, lines 26-45, Okude discloses RAM 2-2, that is first memory inside processing unit 1-1, ROM 2-3 storing data, and DMA 2-4 transferring data. Therefore, Okude does provide first and second memory devices as in claim 9

Examiner maintains that all the references cited meet the language of the claims invention. Therefore, the rejection under 35 U.S.C.103(a) are considered to be proper.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136 (a).


A shorten statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTHS shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136 (a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 3661

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 703-308-8223. The examiner can normally be reached on M-F (7:30 AM-5:30 PM), off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on 703-308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


WILLIAM A. CUCHLINSKI, JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

/dt

June 10, 2003